

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SHIRLEY R. FLEMING,  
Plaintiff,  
v.  
BRANCHFELD & ASSOCIATES, P.C.,  
Defendant.

Civil No. 08cv371-L(BLM)

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR ENTRY OF  
DEFAULT**

On February 18, 2009 Plaintiff filed a motion requesting the Clerk to enter default as provided in Federal Rule of Civil Procedure 55(a). The request is **DENIED** for two reasons. First, the request is moot. Pursuant to Plaintiff's earlier request, the clerk entered default on July 11, 2008. Second, Plaintiff seeks entry of default on the ground that Defendant failed to engage in settlement discussions. Such failure is not one of the permissible grounds upon which the clerk may enter default. *See* Fed. R. Civ. Proc. 55(a).

**IT IS SO ORDERED.**

DATED: February 19, 2009

  
M. James Lorenz  
United States District Court Judge

COPY TO:

HON. BARBARA L. MAJOR  
UNITED STATES MAGISTRATE JUDGE

ALL PARTIES/COUNSEL